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7 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
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10 Alexandra Warner and
Wael Choughari,

2 :11-01060-KJD-CWH

11 Plaintiffs,

12 DEFENDANTS' UNOPPOSED MOTION
FOR EXTENSION OF TIME TO
13 RESPOND TO COMPLAINT

v.

14 JANET NAPOLITANO, Secretary,
United States Department of
Homeland Security; et al.,

15 Defendants.
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**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME
TO RESPOND TO PLAINTIFFS' COMPLAINT**

19 (First Request)

20 Defendants, by and through their attorneys, Daniel G.
Bogden, United States Attorney for the District of Nevada,
21 Carlos A. Gonzalez, Assistant United States Attorney, and
Sherease R. Pratt, Trial Attorney, United States Department of
22 Justice, respectfully request a sixty (60) day extension of
23 time, up to and including February 17, 2012, in which to file a
24 responsive pleading to Plaintiffs' Complaint (#1).
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In support of this request for an extension of time,
Defendants rely upon the Memorandum of Points and Authorities
attached hereto and incorporated herein.

4 DATED this 16th day of December, 2011.

Respectfully submitted,

Daniel G. Bogden
United States Attorney

/s/ Carlos A. Gonzalez
Carlos A. Gonzalez
Assistant United States Attorney

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BACKGROUND**

3 Plaintiff filed his Complaint (#1) with the Court on June
4 28, 2011, and Defendants' response is due on Monday, December
5 20, 2011. Agency counsel for the United States Citizenship and
6 Immigration Services ("USCIS") has forwarded Plaintiff Wael
7 Choughari's visa petition appeal to the Board of Immigration
8 Appeals ("BIA") and is in the process of coordinating with
9 United States Immigration and Customs Enforcement ("ICE") and
10 the BIA to stay Plaintiff Choughari's removal proceedings
11 pending resolution of his visa appeal. Because the district
12 court case may be resolved without further litigation, the
13 Government requests that this honorable Court grant a sixty
14 (60) day extension of time, up to and including February 17,
15 2012, in which to file a responsive pleading to Plaintiffs'
16 Complaint.

17 On December 13, 2011, undersigned counsel Sherease Pratt
18 spoke with Mr. Anthony D. Guenther, Plaintiffs' counsel, and he
19 does not oppose this request for an extension of time.

20 **II. ARGUMENT**

21 The Federal Rules of Civil Procedure provide for an
22 enlargement of time for cause shown.

23 When an act may or must be done within a specified
24 time, the court may, for good cause, extend the time:
25 (A) with or without motion or notice if the court
acts, or if a request is made, before the original
time or its extension expires

26 Fed. R. Civ. P., Rule 6(b)(1)(A).

1 1. Undersigned counsel will not be able to meet the
2 response deadline because they must coordinate a response with
3 agency counsel. Agency counsel for USCIS has forwarded
4 Plaintiff Wael Choughari's visa petition appeal to the BIA and
5 is in the process of coordinating with ICE and the BIA to stay
6 Plaintiff Choughari's removal proceedings pending resolution of
7 his visa appeal. Because the district court case may be
8 resolved without further litigation, the Government requests
9 that this honorable Court grant a sixty (60) day extension of
10 time, up to and including February 17, 2012, in which to file a
11 responsive pleading to Plaintiffs' Complaint.

12 2. This request is made prior to the expiration of the
13 time set by the Court to respond to Plaintiffs' Complaint.

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III. CONCLUSION

Therefore, the Defendants respectfully request that this honorable Court grant a sixty (60) day extension of time, up to and including February 17, 2012, in which to file a response to Plaintiffs' Complaint (#1).

DATED this 16th day of December, 2011.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Carlos A. Gonzalez
Carlos A. Gonzalez
Assistant United States Attorney

TONY WEST
Assistant Attorney General
Civil Division

JEFFREY S. ROBINS
Assistant Director
Office of Immigration Litigation

/s/ SHEREASE R. PRATT
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Attorneys for Defendants

IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE